

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION No. 09-669-3
	:	
v.	:	CIVIL ACTION Nos. 14-1044 & 16-
	:	2257
HAROLD MARTINEZ	:	

**ORDER**

AND NOW, this 22nd day of March, 2017, upon consideration of Defendant Harold Martinez's pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on February 14, 2014 (the "original § 2255 Motion"); the Government's response thereto; Martinez's pro se Motions to Amend and/or Supplement his original § 2255 motion, filed on March 21, 2014, and December 2, 2014; and his further pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on May 3, 2016 (the "second § 2255 Motion"); and for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- The Court having determined that Martinez's original § 2255 Motion and the proposed amendments thereto are time-barred, Martinez's Motions to Amend and/or Supplement (Documents 300 and 309) are DENIED.
- Because Martinez's original § 2255 Motion remained pending at the time his second § 2255 Motion was filed, the second § 2255 Motion (Document 318) is construed as a further motion to amend the original § 2255 Motion and is GRANTED insofar as the Court will permit the amendment and consider the claims asserted therein, which are based on the Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015).

- Pursuant to the Criminal Justice Act, counsel will be appointed to represent Martinez with respect to the *Johnson* claims in his second § 2255 Motion. The appointment will be made by separate Order.
- Pursuant to the May 16, 2016, Administrative Order governing motions seeking collateral relief based on *Johnson* in this District, the above-captioned cases shall be STAYED pending further court order. The parties shall move to lift the stay as soon as this matter is ready to proceed. The above-captioned civil actions shall be placed in SUSPENSE until application is made to lift the stay.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.